REMARKS

Upon entry of this Amendment, claims 1-13 are all the claims pending in the application.

Claims 10-13 have been added. Claims 1-9 presently stand rejected.

In a telephone interview between Examiner Gims Philippe and Applicant's representative

Kevin Barner on June 2, 2004, it was noted that the Office Action dated May 5, 2004, failed to

mention claim 9, and indicated that only claims 1-8 were pending. The Examiner confirmed that

the rejection of the limitations of claim 9 were omitted in the Office Action, and the Examiner

asserted that the limitations of claim 9 are disclosed in the prior art. Specifically, claim 9 is

rejected over Kim, col. 4, lines 35-41, discussed below, under 35 U.S.C. §102.

The Abstract of the Disclosure is objected to because it uses improper language and

format. Applicant has amended the abstract as illustrated above.

Claim 1 is rejected under 35 U.S.C. § 101 because the claimed recitation of a use, without

setting forth any steps involved in the process, results in an improper definition of a process.

Dependent claims 2-8 are rejected by their dependency from claim 1.

Claims 1-6 and 9 are rejected under 35 U.S.C. § 102(b) as being anticipated by Kim

(USP 5,838,829). However, the Examiner has noted, on page 5 of the office action, that claim 5

is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten

in independent form. Clarification as to the status of claim 5 is respectfully requested.

For the reasons set forth below, Applicant respectfully traverses the rejections and

requests favorable disposition of the application.

Argument

In regard to the rejection under 35 U.S.C. § 112, Applicant submits that claim 1 does, in fact, recite positive steps for carrying out the claimed use. For example, claim 1 positively recites that the method *"uses* motion estimation coding" and *"divides* the picture into a plurality of segments made up of macroblocks". Both of these recited actions define particular actions performed in the context of the claimed method. That is, the words "uses" and "divides" could be replaced with "using" and "dividing", respectively, without changing the meaning of the claim language. Accordingly, Applicant submits that claim 1 satisfies the requirements of 35 U.S.C. § 112 and the rejection should be withdrawn.

In regard to the rejection of claim 1 under 35 U.S.C. § 101, Applicant submits that for a similar reason to that which is set forth above in regard to the §112 rejection, positive steps are, in fact, recited and, thus, the rejection should be withdrawn.

In regard to the prior art rejection under 35 U.S.C. § 102, Applicant submits that at least because Kim does not teach or suggest the claimed requirement where "at least for an edge block of a segment, a motion estimation vector is allowed to extend into an adjacent segment", Kim does not anticipate any of claims 1-9.

In particular, as disclosed in the current specification, according to the ITU-T H.263+ standard, motion vectors that cross boundaries are prohibited. The claimed invention proposes to relax this particular constraint. As disclosed in the specification, for example at page 5, lines 6-26, it is disclosed that according to the standard, a picture is divided into segments which each comprise a particular number of lines of macroblocks. It is further disclosed that a macroblock consists of four luminance blocks and two chrominance blocks and, further, that each block

consist of an 8X8 square of pixels. Thus, one of ordinary skill in the art, that is, an artisan aware of at least standard H.263+, would understand from reading the specification that "the edge block of a segment", as recited in the claim, refers to a specific block within a segment as defined by H.263+. This is made even more clear at page 7, line 37 through page 8, line 2, it is stated "[i]n accordance with the invention, the motion estimator uses picture segments as proposed in appendix R [of H.263+]." Further, "[t]he motion vectors are then estimated inside the segment … and at least for the edge blocks, the estimator uses motion vectors that are allowed to leave the segment." (Page 8, lines 2-5).

Kim "relates to a method and apparatus for encoding a contour of an object expressed in a video signal; and, more particularly, to a method and apparatus for encoding a current contour of the object based on a previous contour thereof through the use of an improved contour motion estimation technique." (Col. 1, lines 6-11). According to Kim, the improved contour motion estimation technique includes extending the current contour over neighboring pixels. Specifically, at column 3, lines 18-21, Kim states "the extended contour pixels may be constituted by the current contour pixels and the pixels adjacent to the current contour pixels along the x, y directions and two diagonal directions." However, Kim does not teach or suggest "an edge block of a segment", as recited, and, thus, does not, and can not, teach or suggest "a motion vector [that] is allowed to extend into an adjacent segment", as discussed above and clearly defined by the present specification. For at least this reason, claim 1 and all claims dependent thereon, specifically, claims 2-9 are not anticipated by Kim and the rejection should be withdrawn.

Patentability of New Claims

For additional claim coverage merited by the scope of the invention, Applicant has added

new claims 10-13. Applicant submits that the prior art does not disclose, teach, or otherwise

suggest the combination of features contained therein.

Conclusion

In view of the foregoing remarks, the application is believed to be in form for immediate

allowance with claims 1-13, and such action is hereby solicited. If any points remain in issue

which the Examiner feels may be best resolved through a personal or telephone interview, he is

kindly requested to **contact the undersigned** at the telephone number listed below.

The USPTO is directed and authorized to charge all required fees, except for the Issue

Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any

overpayments to said Deposit Account.

Respectfully submitted,

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